

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3024
)	
Plaintiff,)	MEMORANDUM
vs.)	AND ORDER
)	
MICHAEL A. VALENCIA,)	
)	
Defendant.)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 25), recommending denial of Defendant's motion to suppress (filing 14). Pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1), Defendant has filed a statement of objections to the report and recommendation (filing 33), objecting to Judge Piester's determination that exigent circumstances existed when officers entered Defendant's apartment without a warrant.

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law,¹ Defendant's objections should be denied, the report and recommendation should be adopted, and Defendant's motion to suppress should be denied in all respects.

IT IS ORDERED that:

- 1) the Magistrate Judge's report and recommendation (filing 25) is adopted;

¹ Judge Piester's findings and conclusions were announced at the end of the evidentiary hearing that he conducted on June 27, 2005. See Transcript (filing 32) at 155-160.

- 2) Defendant's objections to the report and recommendation (filing 33) are denied; and
- 3) Defendant's motion to suppress (filing 14) is denied in all respects.

DATED: September 6, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge